

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
MDL DOCKET NO. 5:20-MD-2947-KDB-DSC

IN RE: LOWE'S COMPANIES, INC.)	ORDER
FAIR LABOR STANDARDS ACT)	
(FLSA) AND WAGE AND HOUR)	
LITIGATION)	
)	
)	
THIS DOCUMENT APPLIES TO:)	
ALL CASES)	
)	

This Matter is before the Court on a joint filing of the Parties (Doc. No. 30) stipulating to an order of the Court related to various voluntary dismissals and the Plaintiffs' filing of a Second Amended Consolidated Complaint ("SACC"). For good cause shown, the Court ORDERS as follows:

1. The claims brought by the following Plaintiffs are dismissed in full with prejudice:
 - a. **Zachary Evans (Colorado)** (all claims brought by Mr. Evans in **Count IV** of the First Amended Consolidated Complaint ("FACC"), Master Dkt. 16);
 - b. **Christopher Martinez (New Mexico)** (all claims brought by Mr. Martinez in **Count XX** of the FACC);
 - c. **M. Scott Rains (Washington)** (all claims brought by Mr. Rains in **Counts XXVII and XXVIII** of the FACC); and
 - d. **George Staley (Maryland)** (all claims brought by Mr. Staley in **Count X** of the FACC).
2. The following partial claims are dismissed with prejudice:

- a. The claims of **Plaintiff Kent Fitzsimmons** set forth in **Count VI** of the FACC (**Illinois Minimum Wage Law**); and
- b. The claims of **Plaintiff Stephanie Suazo** under the **New Jersey Wage and Hour Law (N.J. Stat. Ann. 34:11-56a25)** set forth in **Count XIX** (New Jersey).

The above dismissals do not impact any FLSA claims by the above individuals in *Danford*.

For good cause shown, the Court ALSO GRANTS Plaintiffs' Unopposed Motion To Amend Complaint For Limited Purposes, and ORDERS as follows:

1. The SACC docketed at Doc. No. 29 is deemed filed effective February 15, 2021.
2. Defendants will not move to dismiss the SACC, but instead shall file their answer within fourteen (14) days of the filing of the SACC, and Defendants need not answer the FACC.
3. The Court recognizes that the SACC contains claims and counts substantively identical to those dismissed in whole or part by the Court in its Order on the Motion to Dismiss the FACC (Master Dkt. No. 28) (the "MTD Order"). Such claims and counts are deemed dismissed without further motion or Court action to the same extent provided for in the MTD Order, regardless of whether they are brought by one or more additional named Plaintiffs not included in the FACC.

Except as explicitly provided above, this Order does not alter any other deadlines previously established by the Court. Case Management Order No. 1 (Master Dkt. No. 13) will continue to govern these proceedings.

SO ORDERED, ADJUDGED and DECREED

Signed: February 19, 2021



Kenneth D. Bell
United States District Judge

